

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	BANKRUPTCY CASE NO. 15-61536
)	
CHRISTOPHER ADAM NACCI)	
AND)	CHAPTER 13
ELIZABETH ANN NACCI)	
)	JUDGE RUSS KENDIG
Debtors)	

MOTION AND NOTICE FOR AUTHORITY TO INCUR NEW DEBT

The Debtors Christopher Adam Nacci and Elizabeth Ann Nacci hereby request that this Court grant approval to enter into a loan agreement under the Parent Loan for Undergraduate Students program ("PLUS Loan") in order to finance a portion of the cost of college education for their adult daughter Madeline, now eighteen years of age.

1. The Debtors filed a Petition under Chapter 13 of Title 11 of the United States Code ("Bankruptcy Code") on July 17, 2015.

2. The Court has jurisdiction in this matter pursuant to 28 U.S.C. Sections 157 and 1334. Venue in this matter is proper pursuant to 28 U.S.C. Sections 1408 and 1409.

This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2).

3. The Debtors' older daughter Madeline, eighteen years old, will be graduating from Wooster High School this spring. She has applied to various colleges, and has been accepted by approximately ten of these schools. She is currently considering attendance

three of them, Case Western Reserve University, Oberlin College, and Otterbein University.

4. Much of the cost of her secondary education can be financed by scholarships and an employee benefit of Debtor 2 as a faculty member of the College of Wooster. In addition, Madeline has been approved for financing in her name and without co-signer participation by either of the Debtors in this case. Although the family has made every effort to minimize the cost of Madeline's education, and will be able to pay for books and transportation within their existing budget, there is a shortfall of consisting primarily of room-and-board expenses ranging from approximately \$10,000 to \$15,000 among the three schools. However, the Debtors can meet this amount by entering into a loan directly with the Department of Education through a Direct PLUS Loan. The Debtors have applied for a PLUS Loan and requested a deferment of their repayment obligations so that payment would not begin until after the completion of their plan term, in mid-2020. Their application has been approved, and this loan, if authorized by this Court, will be honored at any of the three schools that Madeline is considering. (copy of correspondence attached)

5. In the event that this Court does not authorize such loan, the Debtors will have to rely of assistance for extended family members and/or an authorized educational distribution from the retirement plan of Debtor 2. However, these alternatives could make unavailable resources to deal with unexpected events occurring after their plan has been completed.

6. The Debtors are current on their plan payments, and no parties will be adverse-

ly affected by this request if granted.

WHEREFORE, Debtors request that this Court grant an order allowing them to finance a replacement vehicle pursuant to 11 U.S.C. Sec. 102(1)(b)(i) and further relief as this court deems appropriate.

Respectfully submitted,

Date: April 27, 2018

/s/Thomas K. Mast

THOMAS K. MAST

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Attorney for Debtor

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)	JUDGE RUSS KENDIG
Debtors)	
)	NOTICE

The above-named debtors have filed a Motion and Notice for Authority to Incur New Debt with the court.

THE RELIEF REQUESTED IN THIS DOCUMENT WILL BE GRANTED
FOURTEEN (14) DAYS AFTER ITS DATE OF MAILING UNLESS A
WRITTEN OBJECTION THERETO IS FILED WITH THE COURT AND
SERVED UPON DEBTOR'S ATTORNEY AND THE TRUSTEE.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to approve this request, or if you want the court to consider your view on the request, then on or before **May 11, 2018**, you must:

File with the court a written request for a hearing or, if the court requires a written response, an answer, explaining your position at:

UNITED STATES BANKRUPTCY COURT
McKINLEY AVENUE, S.W.
CANTON, OH 44702

If you mail your request or response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also mail a copy to:

Attorney Thomas K. Mast
111 South Buckeye Street, Suite 240
Wooster, OH 44691

Trustee Toby L. Rosen
400 West Tuscarawus Street
Canton, OH 44702

United States Trustee – Region 9
Howard M. Metzenbaum U.S. Courthouse
201 Superior Ave., East – Suite 441
Cleveland, OH 44114

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order granting the request.

Date: April 27, 2018

/s/Thomas K. Mast

THOMAS K. MAST
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CERTIFICATE OF SERVICE

I, Thomas K. Mast, hereby certify that copies of the foregoing Motion and Notice for Authority to Incur New Debt were electronically transmitted on or about April 27, 2018 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Chapter 13 Trustee Toby L. Rosen	trosen@chapter13canto.in.com trosen@ecf.epiqsystems.com
Toby L. Rosen trose14 on behalf of Trustee Toby L. Rosen	rseiler@chapter13canton.com
United States Trustee	(Registered address)@usdoj.gov
Tricia L. Pycraft on behalf of Creditor Westfield Bank FSB	tpycraft@ccj.com <u>aichele@ccj.com</u> collins@ccj.com

Kerri N. Bruckner on behalf of Creditor
JPMORGAN CHASE BANK NA

NOHBK@lsrlaw.com

Copies of the foregoing were also sent by ordinary U.S. Mail on this date to the recipients listed on the attached mailing list.

/s/Thomas K Mast